THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.21936 OF 2004

Dated: 11th August, 2005.

Between :

Bathula Venkata Subba Reddy

… Petitioner

and

1. The District Collector, Nellore, Nellore District

and six others

(Respondents 4 to 7 impleaded as per Court order

dated 04-08-2005 in W.P.M.P.No.2504 of 2005)

… Respondents

ORDER:

This writ petition has been filed by the petitioner Bathula Venkata Subba Reddy apprehending interference of his possession of land admeasuring Ac.31-35 cents comprising Survey Nos.1881/1, 1882/1 and 1883/1 by the official respondents, who are three in number, the District Collector, Nellore, the Revenue Divisional Officer, Nellore and the Mandal Revenue Officer, Nellore. Subsequently, respondents 4 to 7 came on record in pursuance of the orders in W.P.M.P.No.2504 of 2005, dated 04-08-2005.

2. The facts of the case, in brief, are :- One Devireddy Kodanda Rami Reddy owned a vast extent of land. He sold Ac.31-35 cents of land under an agreement of sale to one Dabbara Subbanna Chowdhary on 06-04-1966. From the said Subbanna Chowdary, the petitioner purchased the land under an agreement of sale dated 05-12-1985. Subsequently, he made an application for regularisation of the

same. The Mandal Revenue Officer, Nellore Mandal, passed appropriate orders with regard to regularisation of sale on 10-04-1996 under A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act') and thereupon, necessary stamp duty and registration charges have been paid by the petitioner. When the Mandal Revenue Officer, Nellore Mandal, kept the orders of regularisation of the land in abeyance, the petitioner filed an appeal before the Revenue Divisional Officer, Nellore. When no orders have been passed by the Revenue Divisional Officer, Nellore, he approached this Court by filing Writ Petition No.2588 of 2001. On 15-02-2001 the said writ petition came to be disposed of with a direction to the Revenue Divisional Officer, Nellore, to pass appropriate orders on the appeal pending before him. When the people of Devireddi family tried to interfere with his possession, the writ petitioner filed O.S.No.309 of 2002 on the file of the III Additional Junior Civil Judge, Nellore, for perpetual injunction restraining the defendants therein including one Sd. Sandani Basha and obtained a temporary injunction in I.A.No.396 of 2002 and the said suit is stated to be pending. In the meanwhile, the Land Ceiling Authorities reopened the land ceiling cases of Devireddi Kodanda Rami Reddy. It is stated that land ceiling proceedings are pending. Apprehending interference of the respondents in respect of the land stated above, this writ petition has been filed.

3. Respondents 1 to 3 filed counter affidavit. Respondents 4 to 7 also filed counter affidavit. Respondents 4 to 7 made a counter claim with regard to the lands in question. The dispute between the petitioner on one hand and respondents 4 to 7 on the other hand cannot be resolved in this writ petition and it is beyond the scope of the writ jurisdiction. In the counter affidavit filed on behalf of respondents 1 to 3, it is specifically stated that they are not interfering in any manner with the possession of the land of the petitioner. I deem it appropriate to refer the relevant portion in the counter affidavit and it is thus:

> " The Chairman, Land Reforms Tribunal-cum-Revenue Divisional Officer, Nellore, in his proceedings dated
> 05-11-2004, passed orders while reopening the matters directing the Mandal Revenue Officer to maintain *status quo*, and further directed to furnish report. It is to be submitted that originally these lands are the properties of one Devireddy Kodanda Rami Reddy family who were the original pattadars and the lands in question were subject matter of the reopened case vide C.C.No.1960/1961/3247 & 3491/75, dated 05-11-2004 pending before the Land Reforms Tribunal. Unless and until the cases are disposed of, the petitioner cannot claim ownership over the lands in question. With regard to the allegation that the respondents are interfering with his possession is a

false statement and invented to have a cause to file the present writ petition. Since these respondents are not interfering in any manner with the possession of the petitioner and land ceiling cases are pending before the Land Reforms Tribunal, Nellore, other allegations made in the writ petition need not be traversed. There are no merits in the writ petition and liable to be dismissed with costs."

4. Heard Sri D.Sudershan Reddy, learned Senior Counsel appearing on behalf of the petitioner, the learned Government Pleader for Revenue appearing on behalf of respondents 1 to 3 and Sri N.Sridhar Reddy, learned Counsel appearing on behalf of respondents 4 to 7.

5. The learned Senior Counsel appearing for the petitioner submits that the respondents are contemplating to interfere with the possession of the petitioner and therefore, the petitioner approached this Court seeking the relief as stated supra.

6. The learned Counsel appearing for respondents 4 to 7 submits that the petitioner has got every right over the property and they are the rightful owners of the land in question.

7. The dispute between the petitioner on one hand and respondents 4 to 7 on the other hand cannot be resolved in writ jurisdiction. It is suffice to say that the petitioner is in possession of the property and the Mandal Revenue Officer, Nellore, has issued pattadar passbooks and title deed in respect of the land. Respondents 1 to 3 have specifically stated in the counter affidavit that they are not interfering in any manner with the possession of the petitioner.

8. In view of the facts stated above, I deem it appropriate to dispose of the writ petition directing respondents 1 to 3 not to interfere with the possession of the petitioner in respect of the land in question except in accordance with law.

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B.SESHASAYANA REDDY, J

11th August, 2005.

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